

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-14034-CR-CANNON/MAYNARD

UNITED STATES OF AMERICA

vs.

JOSHUA YOUNG,

Defendant.

FACTUAL PROFFER

COMES NOW, the United States of America, by and through its undersigned Assistant United States Attorney, and Joshua YOUNG (“Defendant”), together with his counsel, admits the government can prove the allegations contained within Count Five of the Indictment, which charges Defendant with trafficking in counterfeit goods, in violation of Title 18, United States Code, Section 2320(a)(1); and also stipulates that those allegations, elements of the crime and the following recitation of the facts shall constitute the underlying factual basis for the entry of a plea of guilty in this case:

Defendant is the president and manager of SFfobs, Inc., which is a business that provides locksmith services, replacement vehicle keys, vehicle remotes, and electronic vehicle proximity keys. Defendant has been a locksmith for nearly 20 years. SFfobs buys products from wholesalers and retails to locksmiths, and Defendant does all the purchasing for the business. SFfobs has a website, www.sffobsinc.com, and a physical storefront at 418 NW Lake Whitney Place, Port St. Lucie, Florida, in the Southern District of Florida.

On March 12, 2021, Homeland Security Investigations (“HSI”), Fort Pierce Office, received information from Ford Motors, who reported that SFfobs was advertising, on its website,

original equipment manufacturer (“OEM”)¹ proximity keys² for new Ford Mach E Mustang vehicles. At the time, Mach E Mustang proximity keys had not been released to the public and were produced at a single plant in Mexico.

On March 16, 2021, HSI special agents and a Ford investigator went to the SFfobs location and spoke with Defendant, who told investigators that he maintains eBay stores under the names “sffobsinc” and “1midatlanticlocksmith,” through which he sells items such as proximity keys. Young stated that he received a “cease and desist” letter from Nissan several years ago, after which he claims that he stopped selling Nissan key fobs. Young advised that he used to have proximity keys for the 2021 Ford Mach E Mustang, but no longer did. Young stated that he purchased all his keys from locksmiths, salvage yards, car dealerships, and other people who “do the same thing I do.” He admitted that he swapped out the key blades, reprogrammed the computer chips, and replaced the outer shells for resale. Young told HSI that his industry was “a huge gray area” in terms of legality. When informed that the Mach E keys were counterfeit, as the only place that OEM keys for that vehicle line are produced in Mexico, Young claimed that he never sold counterfeit keys and would never knowingly do so.

Young also mentioned that he had proximity keys for the 2021 Ford Bronco and presented law enforcement with eight such keys for inspection. The keys were not in original Ford packaging, and the key fob and key blade were in separate bags. According to the Ford investigator, Ford only sells genuine keys in Ford-branded packaging, with the remote and key blade components in the same package. The Ford investigator examined the Bronco proximity keys and determined

¹ An OEM manufactures components or products that are used in another company’s end product, versus products that are sold directly to the end consumer.

² Proximity keys are key fobs that communicate with a vehicle’s entry and ignition system, allowing for users to lock and unlock vehicle doors, as well as start the engine, when the fob is in range of the vehicle. Proximity keys allow users to lock/unlock car doors, and start the engine, without physically inserting a traditional key blade.

that they were either stolen or counterfeit. At the time, the 2021 Bronco keys had not been released for sale to either the public or dealerships, and the vehicles themselves were only available for pre-order. Further, the Ford investigator confirmed that Defendant is not a licensed reseller of Ford products and could not have purchased these keys through Ford's channels.

On May 25, 2021, agents executed a federal search warrant at SFfobs' Port St. Lucie physical location (21-032-MJ-SMM). During the search, HSI agents were assisted by investigators for Ford, Stellantis³, Nissan, Toyota, and General Motors. Pursuant to the warrant, agents seized many key fobs and keys that were suspected to be counterfeit or stolen, unbranded key fobs, loose manufacturer logos, as well as digital devices. Many counterfeit key fobs were recovered, including the following, which were readily identifiable as counterfeit:

- a) Approximately 251 GM Chevrolet emblems – A bag of approximately 251 loose GM Chevrolet bowtie emblems was recovered. Additionally, over 600 key fobs were found that contained an indentation in the shape of the Chevrolet bowtie design, but without a logo actually affixed. According to GM, neither GM nor their suppliers offer fobs without the bowtie emblem affixed. Further, the supplier logo and part number on the fobs were incorrect. The emblem that contains the Chevrolet bowtie design is United States registration number 2736654, registered for, among other things, non-metal key fobs. According to GM, the MSRP for the authentic key fob was \$68.75 each.
- b) Approximately 48 Nissan key fobs – Each key fob was in a package that also contained a Nissan emblem. The fobs contained an indentation in the shape of the

³ Stellantis is a global automotive company that owns several brands, including Chrysler, Dodge, Fiat, Ram, Jeep, Alfa Romeo, and Maserati.

Nissan emblem, but the emblem was not affixed. The emblem contains the word "NISSAN" and is United States registration number 689797, registered for, among other things, vehicles and vehicle parts. According to Nissan, Nissan fobs are shipped in branded packages with the logo affixed, and Nissan does not ship fobs with loose logos. The MSRP for the authentic key fobs was \$188.20 each.

- c) Approximately 459 Toyota keys – Each key was individually packaged and had black tape⁴ over the logo. The key was also missing an identification mark on the key shaft, which is present on the genuine version of the key. The logo is United States registration number 1797716, registered for, among other things, automobiles and their structural parts. According to Toyota, the MSRP for the authentic key was \$30 each.
- d) Approximately 14 Toyota key remotes – Toyota determined that while the interior modules of these remotes were genuine, the exterior housing was counterfeit. The exterior contained an indentation for a Toyota logo, but the logo was loose and not affixed. Further, the identification mark was missing from the key shaft. The logo is United States registration number 1797716, registered for, among other things, automobiles and their structural parts. The MSRP for the authentic key remote was \$183 each.
- e) Approximately 50 Ford key fobs – Each key fob had black tape over the Ford logo. The logo was the Ford logo, in script, in an oval, and is United States registration number 1861819, registered for, among other things, non-metal key fobs.

⁴ Black tape is commonly placed over a logo in order for a counterfeit item to clear customs.

Each of the above registered logos or marks were in use by the mark-holders. Agents also recovered numerous key fobs that were genuine, but that were determined by the manufacturers to be stolen.

On May 25, 2021, during the search warrant execution, Defendant consented to a search of his cell phone, which agents later searched. In one conversation, Defendant appears to be complaining to a supplier that Chevrolet key fobs were “not original.” Defendant said that “[t]his will be hard to sell,” because his customers would complain that the fob was not original. Defendant then said “[i]t’s ok. Next time I would need to see the full remote inside and out[.]”

In another conversation with an apparent supplier, Defendant said that he wants the bags unopened and sealed. The supplier replied that s/he cannot then cover the logo with a black sticker, to which Defendant instructed him/her to put them in black bags. Defendant later complained to the supplier that the products were not OEM originals and that his/her manufacturer lied to him/her. Despite this, Defendant continued to do business with this supplier.

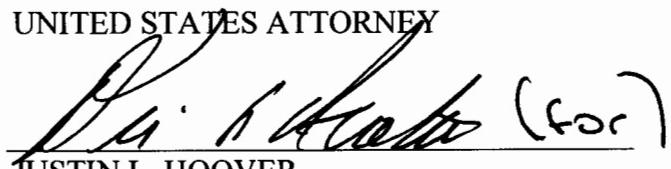
In July of 2020, Defendant bought a set of unknown Jeep and Ford key fobs from this same supplier for \$6,121.50 and instructed him/her to cover the logos with black stickers. Defendant told the supplier to declare \$350 for customs. Later, the supplier informed Defendant that the shipment was seized by customs, and Defendant explained that he needed a letter to prove the items were not counterfeit; the supplier stated that s/he could not prove that.

In another conversation with an unknown individual, Defendant complained that unknown key fobs that he had purchased from the individual were counterfeit. Defendant then agreed to keep them, saying he could “make them work.”

The parties agree that these facts, which do not include all the facts known to the government and the defendant, are sufficient to prove that: (i) Defendant intentionally trafficked or attempted or conspired to traffic in goods; and (ii) Defendant knowingly used a counterfeit mark on or in connection with those goods, or a counterfeit mark was applied to labels, documentation, or packaging for those goods, in violation of Title 18, United States Code, Section 2320(a)(1).

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

Date: 10-20-2022 By:


JUSTIN L. HOOVER
ASSISTANT UNITED STATES ATTORNEY

Date: 10-20-2022 By:


ROBERT PASCH
ATTORNEY FOR DEFENDANT

Date: 10-20-2022 By:


JOSHUA YOUNG
DEFENDANT